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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 ANTOINE D. JOHNSON, M.D.,

12 v.
13 Plaintiff,

14 GRAYS HARBOR COMMUNITY
15 HOSPITAL, GRAYS HARBOR
16 COMMUNITY HOSPITAL MEDICAL
17 STAFF, GRAYS HARBOR COMMUNITY
18 HOSPITAL GOVERNING BOARD, KI
19 SHIN, M.D., TIM TROEH, M.D., BRENT
20 ROWE, M.D., GREGORY MAY, M.D.,
21 DANIEL CANFIELD, M.D., ROBIN
22 FRANCISOVICH, M.D., THOMAS J.
23 HIGHTOWER, SHELLY DUBER, M.D.,
24 AND DOES 1 through 50, inclusive,

25 Defendants.

26 Case No. C06-5502FDB

ORDER DENYING PLAINTIFF'S
APPLICATION FOR ENTRY OF
DEFAULT AGAINST DEFENDANTS
KI SHIN, M.D.; TIM TROEH, M.D.;
GREGORY MAY, M.D.; DANIEL
CANFIELD, M.D.; SHELLY J.
DUEBER, M.D.; AND ROBIN
FRANCISCOVICH,

Plaintiff moved for Default against Defendants Ki Shin, M.D., Tim Troeh, M.D., Gregory May, M.D., Daniel Canfield, M.D., Shelly J. Dueber, M.D. and Robin Franciscovich, M.D. [Dkt. # 35] service having been indicated on September 11, 2006. An appearance on behalf of these individual defendants was filed by counsel on September 29, 2006 [Dkt. # 26], although pending approval is a withdrawal and substitution of counsel for Defendant Ki Shin, M.D. Defense Counsel

ORDER - 1

1 has filed an objection to default for Plaintiff's failure to give the proper 5-day notice under Local
2 Civil Rule CR 55(a) of intention to move for default. Defense Counsel also opposes the motion on
3 the basis that Plaintiff has failed to show that the parties were served in a manner authorized by Fed.
4 R. Civ. P. 4. The Individual Defendants above mentioned have filed their Answer [Dkt. # 41]. The
5 Individual Defendants have indicated an intention to defend in this cause of action, and default must,
6 therefore, be denied.

7 NOW, THEREFORE, IT IS ORDERED: Plaintiff's Application for Entry of Default [Dkt. #
8 35] against Defendants Ki Shin, M.D.; Tim Troeh, M.D.; Gregory May, M.D.; Daniel Canfield,
9 M.D.; Shelly J. Dueber, M.D.; and Robin Franciscovich, M.D. is DENIED.

10 DATED this 2nd day of November, 2006.

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12 FRANKLIN D. BURGESS
13 UNITED STATES DISTRICT JUDGE
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26 ORDER - 2